

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

In re:

MICHELLE LEE DIXON

Debtor

Case No. 11-62068-ABF7

**MOTION TO RE-OPEN CASE TO FILE
ADVERSARY ACTION AGAINST STUDENT LOAN LENDERS/CREDITORS**

COMES NOW Michelle Lee Dixon, the Debtor named above, by and through her attorneys Krigel & Krigel, P.C., and moves the Court for an Order re-opening the above-captioned case for the purpose of filing an adversary action against her student loan lenders/creditors to determine the dischargeability of her student loans. In support of this Motion, the Debtor states as follows:

1. The Debtor filed her petition for relief under Chapter 7 on September 22, 2011. The Debtor received her discharge on December 29, 2011 and the case was closed on December 29, 2011.

2. In her Schedule F, the Debtor identified various student loans owed to ACS, AES, MOHELA and Sallie Mae, totaling over \$360,000. While the Debtor received a discharge of her other debts, she did not receive a discharge of the student loan debts pursuant to 11 USC Section 523(a)(8). The undersigned has not been able to verify the exact extent of her student loan debts.

3. Since the discharge and the closure of her case, the Debtor's income and financial circumstances have not changed or have actually worsened.

4. The Debtor has not been able to pay her student loan debts and at least one company, who has taken an assignment of a student loan debt, has filed a lawsuit against her to collect that debt. That case is presently pending in the Circuit Court of Greene County, Missouri.

5. The Debtor believes that the Court has jurisdiction to decide student loan dischargeability "at any time, and, if necessary, a closed bankruptcy case may be reopened". See *In Re Walker*, 427 B.R. 471 (8th Cir. BAP 2010), cited by *In Re Watkins*, 461 B.R. 57, 59 (W.D. Mo. 2011) and Rule 4007 of the Bankruptcy Rules of Procedure.

WHEREFORE, the Debtor respectfully moves this Court for an Order to re-open the above-styled case so that the Debtor may file an adversary action to determine if her student loans may be discharged, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Erlene W. Krigel

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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I, Erlene W. Krigel, hereby certify that on this 1st day of April, 2014, the above and foregoing MOTION TO RE-OPEN CASE was electronically filed with the Clerk of the United States Bankruptcy Court for the Western District of Missouri and notice of this filing was served upon parties of interest by electronic and with a true and correct copy of the MOTION being served by United States Mail, postage prepaid and properly addressed to:

Office of the United States Trustee
Charles Evans Whittaker
United States Courthouse
400 East 9th Street, Suite 3440
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/s/ Erlene W. Krigel

Erlene W. Krigel